

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEONA MAE BEHMLANDER,

Plaintiff,

v.

Case No. 12-cv-14424
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT, AND AFFIRMING THE FINDINGS OF
THE COMMISSIONER**

On April 19, 2013, Plaintiff Leona Mae Behmlander filed a motion for summary judgment in favor of her claim for social security benefits. One month later, on May 20, 2013, Defendant also filed a motion for summary judgment.

On September 12, 2013, Magistrate Judge Charles E. Binder issued a report recommending that Plaintiff's motion for summary judgment be denied and that Defendant's motion for summary judgment be granted. Judge Binder maintained that the Administrative Law Judge had used the proper legal standard in denying Plaintiff's claims and that its decision was supported by substantial evidence. Rep. & Rec. 9-10, ECF No. 17.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 17, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment, ECF No. 15, is **DENIED**.

It is further **ORDERED** that Defendant's motion for summary judgment, ECF No. 16, is **GRANTED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

Dated: October 3, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 3, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS